

Edwards & Angell LLP

101 Federal Street Boston, MA 02110 617.439.4444 fax 617.439.4170

FACSIMILE TRANSMITTAL COVER SHEET

DATE: September 8, 2003

TO: Examiner Charanjit Aulakh

FAX NO.: 703 308-4556

FROM: Helen Murray Tarbi

TELEPHONE NO. 617 517-5514

APPLICATION NO. 09/975,536

Filing Date: October 11, 2001

Our Reference No.: 48913 C (70207)

No. of pages

MESSAGE:

**RECEIVED
CENTRAL FAX CENTER**

SEP 09 2003

OFFICIAL

Further to our telephone conversation today, September 8, 2003, attached is a copy of the response previously mailed July 22, 2003.

Should there be any problem with this transmission, please contact Helen Murray Tarbi at (617) 517-5514.

NOTICE

The message and/or information which accompanies this facsimile cover sheet is intended for the addressee named above only. If you are not the intended recipient, please contact the sender by collect telephone at the number indicated. You will be advised regarding the disposition of what you have received. The misdelivery of the message and/or information which accompanies this facsimile cover sheet is not intended to be and shall not constitute a disclosure of trade secrets, of attorney work product or of an attorney-client communication. No waiver of any privilege is intended. Thank you for your attention to this matter.

BOS2_347220.1

EWN/CZL 48913 CON (10207)
(15)

Mailing Date: 07.22.03

Client: 70207

Inventors: Meltzer, et al.

Serial No.: 09/975,586

Filing Date: 10.11.02

Attorney/Sec:

Docket No.:

CIN/Sec

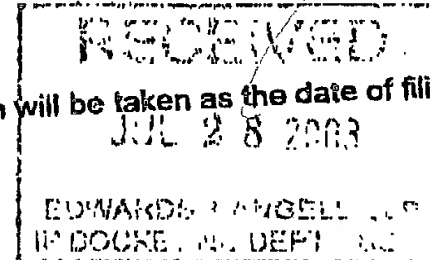
48913-C

Patent No.:

Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

Amendment Transmittal Letter;
Request for Reconsideration;
Declaration Under 37 C.F.R. 1.132;
Appendix A;
Petition for 3-month Extension of Time;
Check in the amount of \$465.00



Due Date: 07.22.03

RECEIVED
CENTRAL FAX CENTER

SEP 09 2003

OFFICIAL

Entered into CPI by: NU

Docket No. 70207/48,913-C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Peter C. Meltzer, et al.
SERIAL NO. 09/975,586 EXAMINER: C. Aulakh
FILED: October 11, 2002 GROUP: 1625
FOR: BOAT TROPANES

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

Certificate of Mailing

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Arlington, VA 22313-1450 on July 22, 2003.


Denise A. Rose

REQUEST FOR RECONSIDERATION

In the office action dated January 22, 2003, claims 22-27 are pending and stand rejected. Applicants respectfully request reconsideration for at least the following discussion.

Claims 22-27 are rejected under 35 U.S.C. 103(a) over Clarke et al. (U.S. Patent No. 3,813,404). However, Clarke teaches only 3-beta isomers of tropane-2-carboxylates. It is respectfully submitted that the presently claimed 3-alpha tropanes would not have been obvious to one of ordinary skill in the art in view of Clarke.

Clarke fails to teach or suggest the presently claimed 3-alpha tropanes because the presently claimed 3-alpha compounds cannot be prepared by using the Grignard

USSN 09/975,586

Meltzer, et al.

Page 2

reactions used by Clarke. One of ordinary skill in the art would not have known how to make 3-alpha tropanes.

The present inventors have considerable expertise in connection with the preparation and use of synthetic tropanes. Yet, it was not obvious to them that they should try to prepare the 3-alpha boat tropanes. The 3-alpha cocaine analogs are less potent than the 3-beta analogs. Thus, it is counterintuitive to focus on the 3-alpha tropanes. Only after they had prepared the boat tropanes through a new synthesis route did they unexpectedly discover that the 3-alpha tropanes were more DAT selective than the corresponding chair (3-beta) compounds. They were quite surprised at the potency and selectivity of the 3-alpha tropanes.

Thus, it is not seen how the present invention would have been obvious to one of ordinary skill in the art from the teachings of Clarke.

The Declaration of Dr. Peter C. Meltzer is submitted in support of the arguments made herein.

In view of the Declaration of Dr. Meltzer and the arguments above, it is respectfully submitted that the present application is now in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited.

Date:

22 July 03

Respectfully submitted,


George W. Neuner
Reg. No. 26,964RECEIVED
CENTRAL FAX CENTER

SEP 09 2003

OFFICIAL

EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
(617) 439-4444